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In re Application of: :
CATTON, PIERS, et al. :
U.S. Application No.: 10/540,174 :
PCT No.: PCT/DE03/04087 :
International Filing Date: 11 December 2003 :
Priority Date: 18 December 2002 :
Atty Dkt No.: CATTON, P. ET AL – 1 PCT :
For: INTAKE MANIFOLD AND :
ASSOCIATED PRODUCTION :
METHOD :

DECISION
(37 CFR 1.181 and 1.47(a))

This decision is issued in response to the “Renewed Petition Under 37 CFR 1.181” filed 23 March 2010 and the previously filed “Renewed Petition Under 37 CFR 1.47(a). No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 02 March 2006. The decision dismissed without prejudice applicants’ petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition.

The application file does not contain a response to the petition decision filed within the available reply period. Accordingly, the present application became abandoned at midnight on 02 May 2006 for failure to file a timely response to the petition decision mailed 02 March 2006.

On 09 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a “Notification Of Abandonment” (Form PCT/DO/EO/909) stating that the application was abandoned.

On 14 January 2008, applicants submitted materials requesting withdrawal of the holding of abandonment, which were treated as a petition under 37 CFR 1.181.

On 16 March 2010, a decision was mailed dismissing without prejudice the petition under 37 CFR 1.181 for failure to be properly executed by a registered practitioner and for failure to include all required statements.

On 23 March 2010, applicants filed the “Renewed Petition Under 37 CFR 1.181” considered herein.

DISCUSSION

1. Renewed Petition To Withdraw Abandonment (37 CFR 1.181)

The materials filed on 23 March 2010 include a copy of the “Renewed Petition Under 37 CFR 1.47(a),” a declaration executed by both of the inventors herein (including the previously non-signing inventor), and a postcard itemizing these materials and bearing a USPTO receipt stamp dated 02 May 2006. The materials also include a statement from counsel confirming that the attached materials are a true copy of the materials originally filed on 02 May 2006 as a timely response to the petition decision mailed on 02 March 2006.

Based on the statements in the present petition and the attached return postcard, it is concluded that the materials accompanying the present petition, including the “Renewed Petition Under 37 CFR 1.47(a)” and the fully executed declaration, were originally filed herein on 02 May 2006 as a timely response to the petition decision mailed 02 March 2006..

The Notification of Abandonment mailed 09 January 2008, based as it was on applicants’ purported failure to file a timely response to the petition decision mailed 02 March 2006, is appropriately vacated, as requested by applicants in the present petition.

2. Renewed Petition Under 37 CFR 1.47(a)

Applicants’ “Renewed Petition Under 37 CFR 1.47(a)” was accompanied by an acceptable declaration executed by both inventors of record, including Piers CATTON, the previously non-signing inventor who was the subject of applicants’ petition under 37 CFR 1.47(a).

Based on applicants’ submission of a fully executed declaration in compliance with 37 CFR 1.497, the petition under 37 CFR 1.47(a) seeking acceptance of the declaration without the signature of all the inventors is appropriately dismissed as moot..

CONCLUSION

The renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

The materials accompanying the petition under 37 CFR 1.181, including the declaration executed by both inventors of record, will be treated as having been originally filed herein on 02 May 2006.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 09 January 2008 is hereby **VACATED**.

The renewed petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 May 2006.

A handwritten signature in black ink, appearing to read 'RM Ross', with a stylized flourish at the end.

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